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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,315	02/27/2004	Jason T. Griffin	13210-18	4333
1059	7590	05/02/2007		
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			EXAMINER KEATON, SHERROD L	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,315	<b>Applicant(s)</b> GRIFFIN, JASON T.	
	<b>Examiner</b> sherrod keaton	<b>Art Unit</b> 2109	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/06, 10/06, 9/04, 6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the original filing of February 27, 2004. Claims 1-15 are pending and have been considered below:

#### ***Claim Rejections - 35 USC § 112***

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the method in this claim consists of a single step: "overlapping areas of a touch interface of a mobile electronic device", and thus is interpreted as a single means/single step claim under MPEP 2164.08(a).

"A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor."

1. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not explained how one touch interface can be two or more touchpads.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 9, 10, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chua (US 2004/0183833 A1).

**Claim 1:** Chua discloses a method comprising:

associating overlapping areas of a touch interface of a mobile electronic device with letters such that each area is associated with only one letter (Page 2, Paragraph 19).

**Claim 2:** Chua discloses a method as in Claim 1 and further discloses detecting a location of a user's touch on said touch interface; and for each area of said touch interface which includes said location, identifying the letter associated therewith (Page 2, Paragraph 19 and 20)

**Claim 3:** Chua discloses a method as in Claim 2 and further discloses if two or more letters are identified, using predictive software text to determine which of said identified letters said user intended to select (Page 2, Paragraph 23),(Page 5, Paragraph 55).

**Claim 4:** Chua discloses a method as in Claim 3 and further discloses providing said predictive software text with an indication that said location is closer to one of said identified letters than to others of said identified letters (Page 2, Paragraph 23),(Page 5, Paragraph 55).

**Claim 5:** Chua discloses a method as in Claim 3 and further discloses providing said predictive software text with an indication of how much closer said location is to one of said identified letters than to others of said identified letters (Page 2, Paragraph 23), (Page 5, Paragraph 55).

**Claim 6:** Chua discloses a mobile electronic device comprising:  
one or more touch interfaces to receive a touch by a user (Page 2, Paragraphs 19 and 20);  
means for displaying one or more rows of letters (Page 2, Paragraphs 19 and 20);

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means for associating overlapping areas of said one or more touch interfaces with said letters such that each area is associated with only one letter (Page 2, Paragraphs 19, 20 and 24);

and a microprocessor to identify which letters are associated with areas of said touch interfaces that include a location of said touch (Page 2, Paragraphs 22 and 26).

**Claim 7:** Chua discloses a mobile electronic device as in Claim 6 above wherein said one or more touch interfaces is a single touchpad (Page 2, Paragraphs 18-20).

**Claim 9:** Chua discloses a mobile electronic device as in Claim 6 above wherein said one or more touch interfaces are two or more touchpads (Page 2, Paragraphs 18-20).

**Claim 10:** Chua discloses a mobile electronic device as in Claim 6 above and further discloses where said one or more touch interfaces is a single touchscreen (Page 2, Paragraphs 18-20).

**Claim 12:** Chua discloses a mobile electronic device as in Claim 10 above and discloses where for at least one particular letter, an area of said touchscreen associated with said particular letter is overlapped by an area of said touchscreen associated with a different letter of an adjacent row (Page 2, Paragraphs 19, 20 and 24).

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**Claim 15:** Chua discloses a mobile electronic device as in Claim 6 above and further discloses that said microprocessor is to execute a predictive software text module to determine which of said identified letters said user intended to select (Page 2, Paragraphs 18-20).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chua (US 2004/0183833 A1).

**Claim 13:** Chua discloses a mobile electronic device as in Claim 6 above and but does not explicitly disclose where for at least one particular letter, an area of said touch interface associated with said particular letter is completely overlapped jointly by a portion of an area of said touch interface associated with an adjacent letter to the left of said particular letter and by a portion of an area of said touch interface associated with an adjacent letter to the right of said particular letter. However Chua does disclose allowing different letters being represented in overlapped area (Page 2, Paragraph 24). Therefore it would have been obvious to one having ordinary skill in the art to allow

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complete overlapping. One would have been motivated to allow overlapping to compress the size of data on the display screen.

**Claim 14:** Chua discloses a mobile electronic device as in Claim 6 above but does not explicitly disclose where for at least one particular letter, an area of said touch interface associated with said particular letter is partially overlapped by a portion of an area of said touch interface associated with an adjacent letter to the left of said particular letter and by a portion of an area of said touch interface associated with an adjacent letter to the right of said particular letter. However Chua does disclose allowing different letters being represented in overlapped area (Page 2, Paragraph 24). Therefore it would have been obvious to one having ordinary skill in the art to allow partial overlapping. One would have been motivated to allow overlapping to compress the size of data on the display screen.

6. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chua (US 2004/0183833 A1) in view of Moon et al (US 6259436 B1)

**Claim 8:** Chua discloses a mobile electronic device as in Claim 7 above but does not explicitly disclose that said rows of letters are spaced at a sufficient vertical distance that there is no ambiguity as to which row of letters is being touched. However Moon



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discloses an apparatus and method for determining selection of touchable items on a computer touchscreen by an imprecise touch and further discloses having sufficient space on a touchscreen and or keyboard (Column 4, Lines 41-49) (Column 5, Lines 1-15). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to also provide sufficient space on a keyboard of Chua. One would have been motivated to provide sufficient space between letters to cut down on the high risk of errors.

**Claim 11:** Chua discloses a mobile electronic device as in Claim 10 above but does not explicitly disclose that said rows of letters are spaced at a sufficient vertical distance that there is no ambiguity as to which row of letters is being touched. However Moon discloses an apparatus and method for determining selection of touchable items on a computer touchscreen by an imprecise touch and further discloses having sufficient space on a touchscreen (Column 4, Lines 41-49). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to also provide sufficient space on the keyboard representation of Chua. One would have been motivated to provide sufficient space between letters to cut down on the high risk of errors.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Vargas (5748512) Adjusting Keyboard

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES MYHRE can be reached on 571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK  
4-17-07

James Myhre  
Supervisory Patent Examiner



**KIEU VU**  
PRIMARY EXAMINER